

REMARKS

This amendment is in response to Examiner Grosz office action dated 5 May, 2004, wherein DETAILED ACTION is now required under 35 U.S.C. 121 regarding Election/Restriction of claims in Application Number 10/075,862. By this Amendment applicants have complied with the requirements of the Official Action as follows:

Examiner states that the Application contains claims directed to the following patentably distinct species of claimed invention:

- I. Claims 31-55, drawn to a crib, classified in class 5 subclass 99.1
- II. Claim 56, drawn to a method for preventing crib tripping classified in class 5, subclass 7.
- III. Claim 57, 58 drawn to a method of converting a juvenile bed to an adult bed, classified in class 5, subclass 93.2.

Furthermore, the Examiner's office action states that the inventions are distinct each from the other because:

The inventions I and II or III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown. (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process of Groups II and III can be implemented with cribs other than the specific cribs of claims 31-55.

Election/Restrictions

Applicants elect, Examiner's designated Group I claims 31-55.

Applicants respectfully traverse Group II and III for the following reasons: (1)

The inventors believe that the Group II and Group III have been misclassified. The examiner has previously stated in a phone conversation that a typo occurred in group II and that it should have been classified in Class 5, subclass 1. We believe that Group III is also misclassified. The invention is not a method of converting a juvenile bed to an adult bed, but rather a method for utilizing the mattress of an existing juvenile or adult bed as a crib mattress and thus would also be classified in Class 5, subclass 1. (2) We believe that all of these claims do not meet the criteria specified in (MPEP § 806.05(h)). Looking first at claim 58. The claim incorporates all of the restrictions placed on the invention within claim 53 and therefore cannot be practiced with another materially different product or used in a materially different way. Claim 57 is an expanded version of claim 58 and could only be used with the same juvenile or adult bed as described in claim 58. Claim 56 uses the identical mechanism as claimed in claims 33, 38, 42 and 49. The mechanism as described is limited to use on cribs and can not be used in a materially different process. Therefore, inventors respectfully request Group II and Group III claims be considered for allowance if claims within 31-55 containing the basic mechanism are allowed.

Applicant's were also advised that in the case of a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.17(i) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

application. Because all Inventors were instrumental in the development of all species previously claimed, there will be no need for inventorship amendment for this Application.

CONCLUSION

Applicants have attempted to reply to Examiner's Office Action in a way which is consistent with the request. Should the Examiner wish to discuss the Amendment, he is requested to call Applicant

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Respectfully,

DATE: _____

Richard Harrison

DATE _____

William Mann III